

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DILORENZO BIOMEDICAL, LLC,	§	
	§	
	§	
Plaintiff,	§	
v.	§	
	§	Civil Action No. 4:23-cv-1800
LIVANOVA, INC., and LIVANOVA	§	Patent Case
USA, INC.,	§	Jury Trial Demanded
	§	
Defendants.	§	
	§	
	§	

**JOINT MOTION FOR EXTENSION OF DEADLINES  
TO SELECT MEDIATOR AND COMPLETE MEDIATION**

COME NOW Plaintiff DiLorenzo Biomedical, LLC (“Plaintiff”) and Defendants LivaNova, Inc. and LivaNova USA, Inc. (collectively, “Defendants”) and file this Joint Motion for Extension of Deadlines to Select Mediator and Complete Mediation, and in support thereof, would respectfully show as follows:

Plaintiff filed this Lawsuit on May 17, 2023 [Dkt. 1], served Defendants on August 9, 2023, and Defendants filed their Motion to Dismiss on October 16, 2023 [Dkt. 21]. On October 24, 2023, the Court held its Initial Conference in this case and entered the Scheduling Order [Dkt. 28]. Pursuant to the Scheduling Order, the deadline for the parties to select a mediator was November 16, 2023, and the deadline for the parties to complete mediation is December 18, 2023. *See* Dkt. 28.

The parties have engaged in productive discussions to identify a mediator who satisfies both sides’ criteria. Given the time it has taken the parties to identify qualified candidates who are available and that are acceptable to both sides, the parties will be unable to complete

mediation by the December 18, 2023 deadline. As such, the parties respectfully request that the Court extend the deadline to select a mediator to January 12, 2024 and the deadline to complete mediation to February 16, 2024. These extensions are not sought for the purpose of delay.

WHEREFORE, Plaintiff and Defendants respectfully request that this Court grant this Joint Motion for Extension of Deadlines to Select Mediator and Complete Mediation and extend the deadlines to (1) select a mediator to January 12, 2024 and (2) complete mediation to February 16, 2024.

Dated: December 15, 2023

/s/ Ronald Abramson

Wasif H. Qureshi  
Texas Bar No. 24048155  
SDTX No. 584650  
**Jackson Walker LLP**  
1401 McKinney Street, STE 1900  
Houston Texas 77010  
(713) 752-4200  
wqureshi@jw.com

OF COUNSEL:

**LISTON ABRAMSON LLP**

The Chrysler Building  
405 Lexington Ave, 46<sup>th</sup> Floor  
New York, New York 10174  
Tel: (212) 257-1630

Ronald Abramson (admitted *pro hac vice*)

David G. Liston (admitted *pro hac vice*)

Ari J. Jaffess (*pro hac vice* application  
forthcoming)

Alex G. Patchen (admitted *pro hac vice*)

M. Michael Lewis (*pro hac vice* application  
forthcoming)

Gina K. Kim (admitted *pro hac vice*)

Email: [docket@listonabramson.com](mailto:docket@listonabramson.com)

*Counsel for Plaintiff DiLorenzo Biomedical, LLC*

Respectfully submitted,

/s/ Benjamin C. Elacqua

Benjamin C. Elacqua  
*Attorney-in-Charge*  
Texas Bar No. 24055443  
elacqua@fr.com  
Karrie Wheatley  
Texas Bar No. 24098605  
wheatley@fr.com  
Kathryn Quisenberry  
Texas Bar No. 24105639  
quisenberry@fr.com  
**FISH & RICHARDSON P.C.**  
909 Fannin Street, Suite 2100  
Houston, TX 77010  
Tel: (713) 654-5300

*Counsel for Defendants LivaNova, Inc. and  
LivaNova USA, Inc.*